

REMARKS

The Office Action mailed March 27, 2007 has been received and reviewed. The application is to be amended as previously set forth. The amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been entered. All of the claims stand rejected. Reconsideration is respectfully requested.

1. 35 U.S.C. § 102

Claims 2-4, 6, 7, 14, 16, and 17 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cassol *et al.* (Mem. Inst. Oswaldo Cruz, Rio de Janeiro, 1996, 91(3):351-358) (hereinafter "Cassol"). Claims 14 and 16 have been canceled herein, thereby mooted that portion of the rejection.

Claim 2 as amended recites "quantifying the total amount of HIV nucleic acid present in the at least one sample." Support for the amendment to claim 2 may be found throughout the as-filed specification, such as in paragraph [0018]. As acknowledged by the Office, Cassol does not quantify the total amount of HIV nucleic acid present in a sample. *Office Action mailed March 27, 2007, page 4.* Therefore, Cassol clearly does not anticipate claim 2 as amended. Likewise, claims 3, 4, 6, 7, and 17 are novel for at least the reason of depending from claim 2. Applicants respectfully request withdrawal of the 35 U.S.C. § 102 rejections.

2. 35 U.S.C. § 103

Claims 2, 6, 14, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Moye *et al.* ("Detection and Quantitation of HIV-1 RNA from Filter Paper Adsorbed Whole Blood or Plasma by NASBA Isothermal Amplification," 4th Conference on Retroviruses and Opportunistic Infections, 1997, Abstract) (hereinafter "Moye"). Claims 14 and 16 have been canceled herein, thereby mooted that portion of the rejection.

Applicants respectfully submit that Moye does not disclose a method wherein a sample is administered to filter paper and where after the filter paper is stored for at least one week. Contrary, Moye discloses a method wherein blood or plasma is spotted on filter paper and dried overnight. The next day, Moye attempts to quantify the nucleic acid. As explained in applicants' response filed January 29, 2007, inaccurate results are obtained by Moye. Moye's results would

be expected to be even worse after prolonged storage periods. Moye does not teach or suggest that the filter papers are allowed to be stored during prolonged periods of time.

According to the claimed invention, however, it is indeed possible to obtain accurate results after filter papers are stored during prolonged periods of time. This is, for instance, shown in Example 1, wherein the filter papers are stored for up to three weeks, and in Example 2, wherein the filter papers are stored for a minimum of one week. Without wishing to be bound to any theory, it is thought that the use of a chaotropic nucleic acid isolation solution enhances the accuracy of the claimed methods. Claim 2 has been amended to recite “extracting nucleic acid from the at least one spot of the at least one sample with a chaotropic nucleic acid isolation solution.” Support for the amendment to claim 2 may be found in paragraph [0031] and claim 11 of the as-filed application. The use of a chaotropic nucleic acid isolation solution is not disclosed nor suggested in Moye.

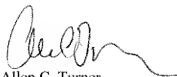
Prolonged storage times are preferred in order to allow for safe transport of spotted samples, for instance, from a less-developed country to a service testing laboratory elsewhere in the world. Moye does not disclose prolonged storage of spotted samples in order to allow for safe transport.

Thus, Moye does not teach or suggest all of the elements of claim 2 and the claim is non-obvious. Likewise, claims 6 and 17 are non-obvious for at least the reason of depending from claim 2. Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejections.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants’ attorney at the address or telephone number given herein.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a long, sweeping horizontal line extending to the right.

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KAE/bv

Enclosure: Petition for Extension of Time and Three-month extension fee
Request for Continued Examination (RCE) and fee